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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

DENNIS ALLAN DETHLEFF,

Defendant and Appellant.

H034502

(Santa Clara County

Super. Ct. No. CC938575)

Defendant Dennis Allan Dethleff was arrested on March 24, 2009, for a probation violation. In a subsequent search of defendant's residence police officers uncovered a vial containing approximately three grams of methamphetamine, paraphernalia for smoking methamphetamine, numerous unused baggies, and sheets of paper listing prices for methamphetamine. Defendant's cell phone received several messages from callers asking to purchase methamphetamine.

Defendant was charged by information with possession of methamphetamine for sale (Health & Saf. Code, § 11378), a felony. The information included the allegation that defendant had previously been convicted of the same crime, which, under Health and Safety Code section 11370.2, subdivision (c), required an additional consecutive sentence of three years and, under Penal Code section 1203.07, subdivision (a), precluded probation. The information further alleged that defendant had served one prior prison term within the meaning of Penal Code section 667.5, subdivision (b).

Defendant pleaded guilty to the possession count and admitted the enhancement allegations in exchange for the promise of 16 months in state prison, the mitigated term for the substantive crime. The trial court sentenced defendant to the agreed-upon 16 months and struck the enhancements in the interests of justice. (Pen. Code, § 1385.)

We appointed counsel to represent defendant in this court. Appointed counsel filed an opening brief which states the case and the facts but raises no specific issues. We notified defendant of his right to submit written argument in his own behalf within 30 days. That period has elapsed and we have received no written argument from defendant.

### **I. DISCUSSION**

Defendant did not request a certificate of probable cause, and, therefore, the appeal is inoperative insofar as it might challenge constitutional, jurisdictional, or other grounds going to the legality of the proceedings. (Pen. Code, § 1237.5, subd. (a).) The certificate is not required when the notice of appeal states, as this one does, that it is based upon the sentence or other matters that arose after entry of the plea that do not affect the validity of the plea. (Cal. Rules of Court, rule 8.304(b)(4).) Accordingly, we have reviewed the whole record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 and *People v. Kelly* (2006) 40 Cal.4th 106, focusing upon the sentence and matters that arose after entry of the plea. Having done so, we can find no arguable issue for appeal.

**II. DISPOSITION**

The judgment is affirmed.

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Premo, J.

WE CONCUR:

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Rushing, P.J.

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Elia, J.